

IN RE: PETITION FOR ZONING VARIANCE  
E/S Falls Glen Court, 184.39'  
SE of Falls Road (Lot #12)  
7th Election District  
3rd Councilmanic District  
Woodfield Development Company  
Petitioner

**TERMINES OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests a variance to permit a temporary real estate sign with of 150 sq.ft. total in lieu of the maximum permitted 100 sq.ft., as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by William Putland, Marketing Director of Landmark Homes, Inc., Contractor, appeared and testified. There were no Pro-estants.

Testimony indicated that the subject property is located off of Falls Road and Falls Glen Court and is the site of a new subdivision, known as Falls Glen, being developed by Petitioner. Testimony indicated the instant Petition was filed as a result of an active zoning violation case involving the placement of a 10' x 15' sign advertising the proposed development. The sign, which contained the notation "Landmark Homes" with a telephone number, had been erected by Petitioner on Lot #12 of the proposed development. Mr. Putland testified the size of the sign was necessary to allow visibility by motorists traveling on I-83. The size of the sign and its visibility from I-83 was the reason the violation complaint was filed.

**PETITION FOR ZONING VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1B: To allow a temporary real estate sign with a total square footage of 150 sq. ft. in lieu of the permitted 100 sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)  
The general location and topography of the property requires a sign in excess of that permitted under the Zoning Regulations in order to effectively advertise the opening of this new subdivision. The property owner would sustain a practical difficulty if compliance with the Zoning Regulations was required.

as prescribed by Zoning Regulations.

We Variance advertising, posting, etc., upon filing of this e bound by the zoning regulations and restrictions of Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):  
WOODFIELD DEVELOPMENT CO.  
(Type or Print Name)  
Signature: *[Signature]*  
JERRY COLLAGE  
(Type or Print Name)  
Signature: *[Signature]*

10 Gerard Avenue, Suite 109  
Address  
Timonium, Maryland 21093  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Keith S. Franz  
401 Washington Avenue, Suite 502  
Towson, Maryland 21204  
Address Phone No. 821-6800

Attorney's Telephone No.: 821-6800

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 22nd day of November, 1988, at 2:00 o'clock P.M.

*[Signature]*  
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2HR.  
AVAILABLE FOR HEARING  
M/W/TUES/WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY: *[Signature]* DATE: 1-25-88

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Mullen v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioner was in support of a matter of preference rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

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**DESCRIPTION**

BEING KNOWN AND DESIGNATED as Lots Nos. 1 through 13 as shown on the Plat entitled "Falls Glen, Resubdivision of Lot No. 2, Property of Lida K. Williams", which Plat is recorded among the Land Records of Baltimore County in PlatBook CM No. 7, folio 101.

BEING a part of the property which by Deed dated November 28, 1967 and recorded among the Land Records of Baltimore County in Liber OTG No. 4828, folio 148, between Mary Patricia Duffy and Lida K. Williams and Walter L. Williams, her husband. The said Walter L. Williams departed this life on or about October 24, 1986, thereby vesting the absolute fee simple title in and to the herein described property unto Lida K. Williams, the Grantors herein.

The Proximity of the sign is 230' SW of Falls Rd. which point is 590' East of the centerline of proposed Falls Glen Court.

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

J. Robert Haines  
TO: Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
Woodfield Development Co.  
SUBJECT: Zoning Petition No. 89-173-A

Date: November 9, 1988

The Office of Planning and Zoning has no comment on the above petition.

PK/sf

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of November, 1988 that the Petition for Zoning Variance to permit a temporary real estate sign with of 150 sq.ft. total in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

ANN:bjs  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

ORDER RECEIVED FOR FILING  
Date 11/15/88  
By *[Signature]*

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., Oct. 17, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 13, 1988.

THE JEFFERSONIAN,

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, or authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein at Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 2:00 P.M.  
Petitioner(s): Woodfield Development Company  
Hearing Date: Wednesday, Nov. 9, 1988 at 2:00 P.M.  
Variance to allow a temporary real estate sign with a total square footage of 150 sq. ft. in lieu of the permitted 100 square feet.  
IF PHASE II OF EMERGENCY PLAN IN EFFECT, THIS CASE MAY BE RESCHEDULED. CALL 684-3381 TO CONFIRM NEW DATE.  
In the event that this Petition is granted, a building permit may be issued within 180 days (180 day clock starts when the Zoning Commission meets to consider the petition). If the petitioner fails to obtain a building permit within the 180 day period, the variance shall expire. Such request must be in writing and appear in the office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
10101 Oct. 13.

101 05170  
Reg. # M20358  
Buse 596-65  
TT/SEF

S. Zele Publisher

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th Date of Posting: October 22, 1988  
Posted for: Variance  
Petitioner: Woodfield Development Company  
Location of property: E/S Falls Glen Court, 184.39' S.E. of Falls Road (Lot #12)  
Location of Sign: South side of Falls Road in front of subject property  
Remarks: *[Signature]*  
Posted by: *[Signature]* Date of return: October 28, 1988  
Number of Signs: 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
821-6800 821-3353

November 15, 1988

Mr. Jerry Collage, President  
Woodfield Development Company  
10 Gerard Avenue, Suite 109  
Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE  
E/S Falls Glen Court, 184.39' SE of Falls Road (Lot #12)  
7th Election District - 3rd Councilmanic District  
Woodfield Development Company - Petitioners  
Case No. 89-173-A

Dear Mr. Collage:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte MacCliffe at 491-3321.

Very truly yours,

*[Signature]*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File

**AGF**  
AZRAEL, GANN AND FRANZ

ATTORNEYS AT LAW

November 8, 1988

RECEIVED ZONING OFFICE  
DATE: 11/15/88

Mr. J. Robert Haines  
Zoning Commissioner for  
Baltimore County  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 84 - Case No. 89-173-A  
Petitioner: Woodfield Development Co.

Dear Mr. Haines:

Please withdraw the appearance of Keith S. Franz and Azrael, Gann and Franz as attorneys for Woodfield Development Co. in the above-referenced Petition for Variance. Mr. Richard Yaffe, one of the developers of this project, has informed me that he wishes to proceed on this matter individually. Under the circumstances, we will not be attending the hearing as Mr. Yaffe has indicated, he will not be representing his own interests.

Please excuse the late nature of this notice as I was just informed today of the desire of Woodfield Development Co.

Very truly yours,

AZRAEL, GANN AND FRANZ

*[Signature]*  
Keith S. Franz

101 WASHINGTON AVENUE • SUITE 502 • TOWSON, MARYLAND 21204 • (301) 821-6800 • TELECOPIER (301) 821-435



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 9/24/88

Woodfield Development Company  
10 Gerard Avenue, Suite 109  
Towson, Maryland 21204

ATTN: Mr. Jerry Collage

Re: Petition for Zoning Variance  
CASE NUMBER: 89-173-A  
E/S Falls Glen Court, 184.39' SE of Falls Road (Lot #12)  
7th Election District - 3rd Councilmanic  
Petitioner(s): Woodfield Development Company  
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 9, 1988 at 2:00 p.m.\*

Gentlemen:

Please be advised that \$111.25 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 304, County Office Building, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 000071

post set(s), there each set not

DATE: 9/24/88 ACCOUNT: 494-3333  
AMOUNT: \$111.25  
RECEIVED FROM: J. Robert Haines  
FOR: Petition for Zoning Variance

\*IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE MAY BE RESCHEDULED. PLEASE CALL 494-3391 TO CONFIRM.

VALIDATION OR SIGNATURE OF CASHIER  
YELLOW OUTLINE

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

September 28, 1988

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-173-A  
E/S Falls Glen Court, 184.39' SE of Falls Road (Lot #12)  
7th Election District - 3rd Councilmanic  
Petitioner(s): Woodfield Development Company  
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 9, 1988 at 2:00 p.m.\*

Variance to allow a temporary real estate sign with a total square footage of 150 sq. ft. in lieu of the permitted 100 square feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. Jerry Collage  
Keith S. Franz, Esq.  
Ms. Lynn Kramer  
Ms. Linda Bargman  
File

\*NOTE:  
IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DOKKET CLERK AT 494-3391 TO CONFIRM.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: September 13, 1988

TO: James E. Dyer  
Zoning Supervisor

FROM: James H. Thompson  
Zoning Enforcement Coordinator

RE: Item No. 84  
Petitioner: Keith France, Esquire for  
Woodfield Development Corporation

VIOLATION CASE # C-88-2064

LOCATION OF VIOLATION 728 Falls Road

DEFENDANT Woodfield Development Company  
c/o Keith France, Esquire

ADDRESS 401 Washington Avenue  
Suite 502  
Towson, Maryland 21204

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Ms. Lynn Kramer	1000 Falls Road Parkton, Maryland 21120
Ms. Linda Bargman	1507 Bayville Road Parkton, Maryland 21120

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/

Baltimore County  
Fire Department  
Towson, Maryland 21204-2386  
494-4500

Paul H. Reincke  
Chief

September 12, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Woodfield Development Co.

Location: E/S Falls Glen Ct., 184.39' SE of Falls Road Lot #12

Item No.: 84

Zoning Agenda: Meeting of 9/6/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
E/S Falls Glen Ct., 184.39' SE : OF BALTIMORE COUNTY  
Falls Rd. (Lot #12), 7th :  
Election Dist; 3rd Councilmanic :  
Dist. :

WOODFIELD DEVELOPMENT COMPANY, : Case No. 89-173-A  
Petitioner :

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

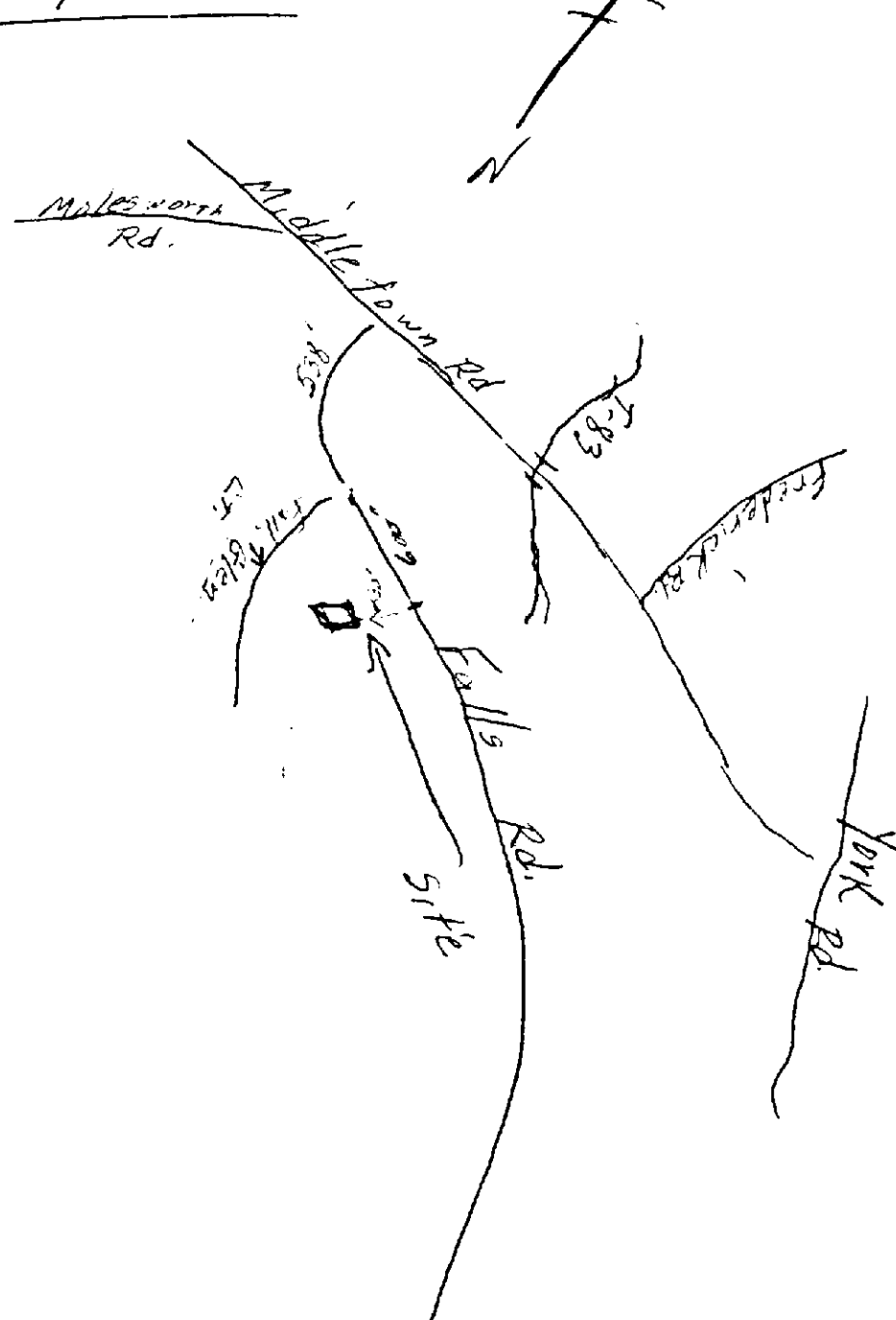
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

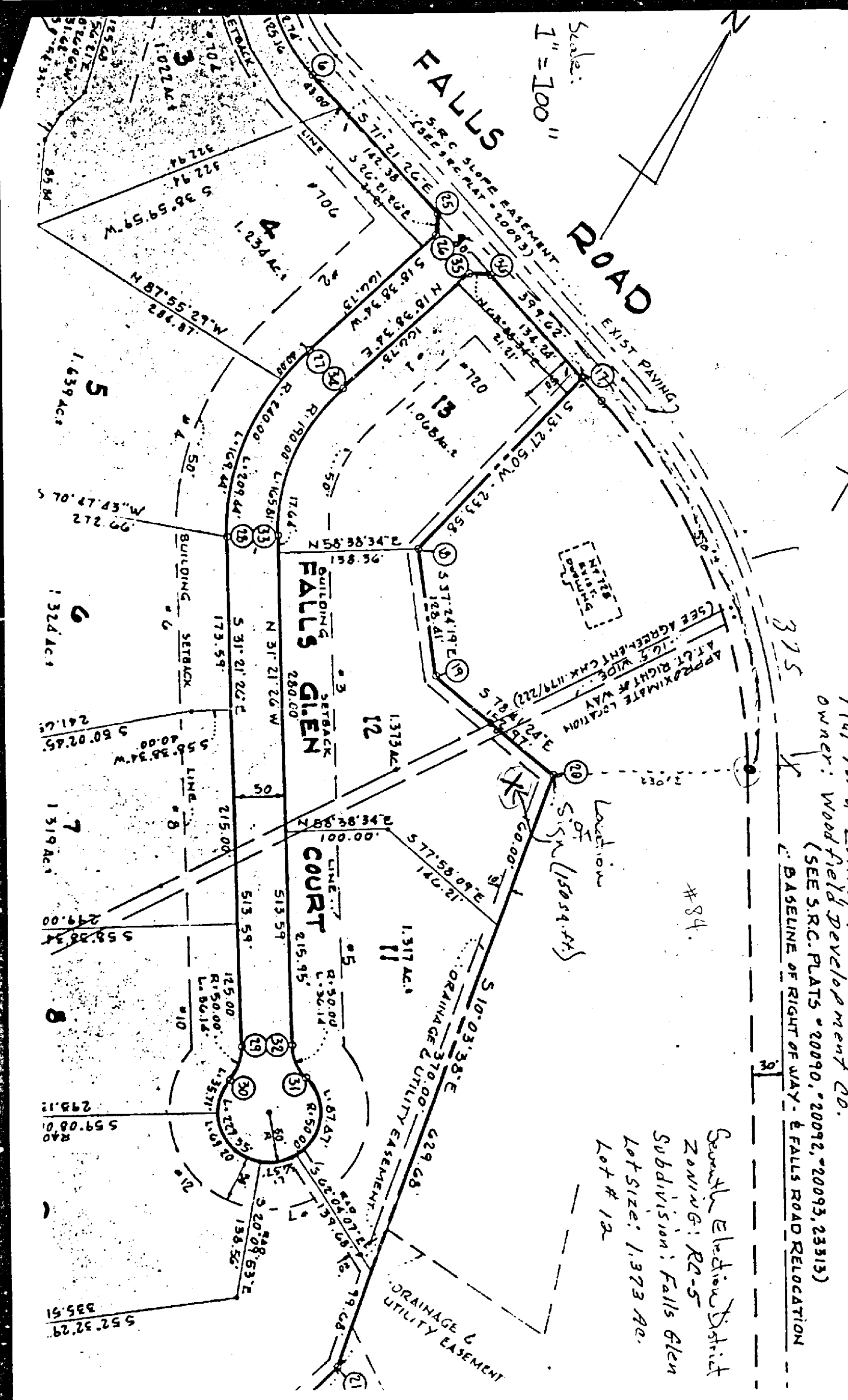
I HEREBY CERTIFY that on this 25th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Keith S. Franz, Esquire, Azrael, Gann and Franz, 401 Washington Ave., Suite 502, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

### Vicinity MAP



Entrance to Falls Glen Ct. (Proposed) on South side of  
Falls Rd 540' ± SE of Middle Town Rd.  
Sign = approx 600' South of point on Falls Rd & 230' ±  
SW of this point



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 11, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

RECEIVED ZONING OFFICE  
DATE: 10/14/88

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 69, 75, 76, 77, 78, 79, 81, 82, 83, 84, & 85.

89-173-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
7th day of September, 1988.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner: Woodfield Development Co.  
Petitioner's Attorney: Keith S. Franz  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee